

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 13, 24, 30, and 24 are currently being amended. Support for the claim amendment can be found, at least, in the specification of the present application, e.g., page 1, paragraph 2, page 4, paragraph 3, page 6, paragraph 2, the figures, and the claims as filed. No new matter has been added.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-6, 8-18, 20-30, and 32-51 are now pending in this application.

Claim rejections under 35 U.S.C. 112

The Office Action rejected claims 1-6, 8-18, 20-30, 32-38 and 49-51 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Office Action rejects the claims because it is unclear if the recitations of "flexible bag" require that all portions of the bag be flexible. Applicant disagrees with this rejection. However, to expedite prosecution, independent claims 1, 13, 24, 30, and 34 have been amended to "substantially flexible bag." Accordingly, claims 1-6, 8-18, 20-30, 32-38 and 49-51, as now amended, are now clear with respect to the "substantially flexible bag." Thus, the rejection to these claims should be withdrawn and these claims are now in a condition for allowance.

The Office Action rejected claims 1-6, 8-18, 20-30, 32-38 and 49-51 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action rejects the claims because to the extent that the term “flexible bag” requires the bag to be made entirely of flexible material, the new limitation is considered new matter. Applicant disagrees with this rejection. However, to expedite prosecution, independent claims 1, 13, 24, 30, and 34 have been amended to “substantially flexible bag.” Support for the claim amendment can be found, at least, in the specification of the present application, e.g., page 1, paragraph 2, page 4, paragraph 3, page 6, paragraph 2. Accordingly, claims 1-6, 8-18, 20-30, 32-38 and 49-51, as now amended, do not include new matter with respect to the “substantially flexible bag.” Thus, the rejection to these claims should be withdrawn and these claims are now in a condition for allowance.

Claim rejections

The Office Action rejected claims 1-6, 8-18, 20-29, 34, 49 and 51 under 35 U.S.C. 102(b) as being anticipated by Jorgensen et al. (US 2002/0107131) (hereinafter Jorgensen). The Office Action rejected claims 35-38 under 35 U.S.C. 103(a) as being unpatentable over Jorgensen. The Office Action rejected claims 30, 32, and 33 under 35 U.S.C. 103(a) as being unpatentable over Jorgensen in view of Schultz (US 3,982,691). The Office Action rejected claim 50 under 35 U.S.C. 103(a) as being unpatentable over Jorgensen. Applicant disagrees with these rejections.

As explained in the attached 1.132 declaration from an inventor of the present application, Keith Rosiello, Jorgensen does not teach, suggest, or describe “at least one or a raised or recessed shape with respect to the interior shape” or “the first mating portion opposing an interior surface of the second side,” as recited in claim 1, as now amended. Independent claims 13, 24, 30, and 34 are similarly amended. In contrast, Jorgensen describes centrifugally processing bags that include “an outer expressor bag 96, an inner processing bag 98, outer weld rings 100, inner weld rings 102 and hub 104.” (Jorgensen, paragraph 0050, see also Figures 7,

11, and 12). As illustrated in Figures 11 and 12 of Jorgensen, the assembled processing bag utilizes the weld rings 100 and 102 to secure the bags 96 and 98 to the hub 104. Jorgensen describes locking the bags onto the hub utilizing the weld rings. (Jorgensen, paragraphs 0044, 0011, and 0013). Further, it should be understood, as described in the attached declaration, that the weld rings are separate from the bags and do not include any type of mating portion or raised or recessed shape. Accordingly, Jorgensen does not describe, suggest, or teach all of the claim limitations of independent claims 1, 13, 24, 30, and 34.

Schultz describes "a centrifuge device for separating and/or washing finely-divided solid particulate material suspended in a liquid." (Schultz, Abstract). Schultz does not describe "at least one or a raised or recessed shape with respect to the interior shape" or "the first mating portion opposing an interior surface of the second side," as recited in claim 1, as now amended. In contrast, Schultz describes four assembly plates with pathways that are combined to provide for the separating and/or washing of the liquid. (Schultz, col. 7, lines 15-37, see also Figure 1). Furthermore, Schultz describes that the various plates are attached by bolts and that a "[r]otating seal 8 (See FIG. 2) is disposed in and engaged in a liquidtight manner by the respective apertures 15, 16 and 17 in plates 1, 6, and 12." (Schultz, col. 7, lines 38-42). As such, Schultz does not describe a raised or recessed shape to the interior shape of the bag. Rather, Schultz describes not utilizing a bag for centrifuge device, but, as illustrated in Figure 1, describes a centrifuge device with multiple plates with a rotating seal with various pathways for the fluid. Thus, Schultz does not cure the deficiencies of Jorgensen with respect to independent claims 1, 13, 24, 30, and 34.

Jorgensen and Schultz, combined or separately, do not describe, suggest, or teach all of the claim limitations of independent claims 1, 13, 24, 30, and 34. Accordingly, the rejection of independent claims 1, 13, 24, 30, and 34 based on Jorgensen and/or Schultz is without proper basis. Dependent claims 2-6, 8-12, 14-18, 20-23, 25-39, and 32-51 depend, directly or indirectly, from respective ones of independent claims 1, 13, 24, 30, and 34 and thus distinguished Jorgensen and Schultz for, at least, the same reasons and their respective claim

limitations. Thus, the rejection of claims 1-6, 8-18, 20-30, and 32-51 should be withdrawn and these claims are now in a condition for allowance.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

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By

 #51,659
for

FOLEY & LARDNER LLP

Customer Number: 48329

Telephone: (617) 342-4034

Facsimile: (617) 342-4001

Joseph M. Maraia

Attorney for Applicant

Registration No. 55,926